

REMARKS

Claims 1, 4-10, 13-16, 18-24, 26-29, and 74 were subject of the Office Action of June 27, 2008. Applicant requests examination of the above-mentioned application in view of the following remarks.

Rejections**A. Rejection under 35 U.S.C. § 102**

The Examiner rejected claims 1, 4-7, 14, 21, 22, and 74 as allegedly being anticipated by U.S. Patent 4,212,889 ("Fuentevilla" reference). In part to further clarify that the "continuous non-batch" apparatus of the subject invention is significantly different from Fuentevilla, and without acquiescing in the Examiner's rejection, claim 1 and claim 74 specify "without interruption" in part so that the "continuous non-batch" apparatus configuration can be easier related to the specification. Support for the recitation "without interruption" can be found in paragraph [0081], for example, of the specification.

The Fuentevilla reference does not disclose apparatus for hydrolysis of protein containing raw material comprising, a hydrolysis area, an inactivation area, and a separation area that work in a continuous non-batch mode without interruption.

The Fuentevilla reference discloses a method for processing fish by passing the processing reagents serially through a plurality of vessels, and "controlling" the flow of mixture from one vessel to the next. The transfer of materials between the vessels is not continuous; it is done "with interruptions." The Fuentevilla reference calls for "controlling" the flow, which is contrary to the teachings of the current application.

As can be seen in the figure on the cover page of the Fuentevilla patent, there are pumps in between each vessel. There is no continuous flow. Unlike the Fuentevilla

reference, the instant application discloses an apparatus where the flow of reaction mixture between the connected vessels is continuous, and the hydrolysis of the fish materials is done "without interruptions."

For at least these reasons, the applicants believe that the claims are novel, and allowance of the claims is respectfully requested.

B. Rejection under 35 U.S.C. § 103

The Examiner rejected claims 8, 18, 20, 23, 24, and 26-29 as allegedly being obvious over the Fuentevilla reference.

Claim 13 and 15 stand rejected as obvious over the Fuentevilla reference in view of DE 2526879.

Claim 9 and 10 stand rejected as being obvious over Fuentevilla taken with FR 2352498, and optionally also with DE2526879.

Claim 16 and 19 stand rejected as being obvious over Fuentevilla and DE 2526879 and MacKenzie or Eweson.

Applicants submit that the arguments presented above regarding novelty also show non-obviousness over Fuentevilla. Continuous flow provides advantages such as protein of more consistent character and quality. Fuentevilla did not provide or suggest apparatus for providing such results.

Regarding claims 13 and 15, feeder screws are one important way that a continuous flow can be achieved. Thus, these are not mere optimizations, although feeder screws are generally known in mechanical arts. One thing that was not know in this art was the

advantages of continuous flow processing, which are now provided according to the subject invention.

Regarding claims 9, 10, 16 and 19, the components of these claims should likewise be considered together with the advantageous system of the subject invention as a whole.

In the light of all the foregoing, the applicants submit that this application is in the condition for allowance, and such action is respectfully requested.

Conclusion

The applicants believe that this application is in the condition for allowance, and such action is respectfully requested. The fees pursuant to 37 C.F.R. § 1.17(a)(2), for a two months extension of time is paid via Deposit Account No. 02-0390. The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account 02-0390. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below to expedite prosecution.

Respectfully submitted,

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